

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIABENNY JAMES CROSBY,
Petitioner,

v.

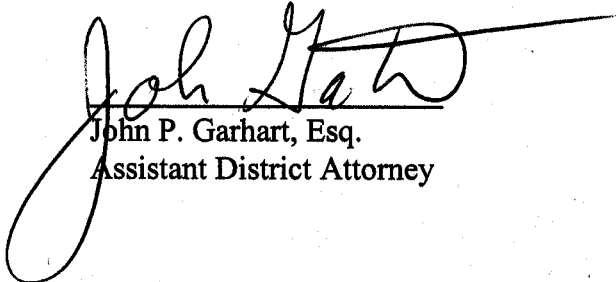
WARDEN JAMES VESHECCO, et al.,
Respondents.)
)
)
)C.A. NO. 05-94 ERIE
)
)
)**COMMONWEALTH'S MOTION FOR EXTENSION OF TIME
TO FILE ANSWER TO WRIT OF HABEAS CORPUS**

AND NOW, comes the Commonwealth of Pennsylvania, by and through its representative, John P. Garhart, Assistant District Attorney, Erie County, Pennsylvania, and files the within Motion for Extension of Time to File Answer to Writ of Habeas Corpus and in support thereof avers as follows:

1. On August 26, 2005, the Warden forwarded to the County Solicitor an Order signed by Magistrate Judge Susan Paradise Baxter ordering us to respond to the allegations of the petition for writ of habeas corpus filed by Benny Crosby.
2. On September 8, 2005, the County Solicitor forwarded the matter to the District Attorney's Office.
3. Since the matter involves a habeas arising out of civil contempt proceeding, the matter was sent by the District Attorney to the presiding judge by letter dated September 9, 2005 by interoffice mail on September 12, 2005 and received by the President Judge on September 13, 2005.
4. The transfer and processing of the Order renders a timely answer to the petition (due 9/15/05) impossible and therefore a continuance is requested of 60 days in order to investigate the facts and draft a response to the habeas petition.

Therefore, for the reasons set forth herein, the Commonwealth respectfully requests this Honorable Court enter an order granting an extension of 60 days to file an Answer to said Petition..

Respectfully submitted,



John P. Garhart, Esq.
Assistant District Attorney

Dated: September 15, 2005